



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

November 9, 2018



1200 New Jersey Ave., SE  
Washington, D.C. 20590

In Reply Refer To:  
HIF  
FHWA Control No. 2018-0183

Mr. Austin R. Evers  
Executive Director  
American Oversight  
1030 15<sup>th</sup> Street, NW.  
Washington, DC 20005

Dear Mr. Evers:

This letter is in further reply to your March 28 letter to the Federal Highway Administration (FHWA). Under the Freedom of Information Act (FOIA), you requested all records reflecting communications between FHWA and representatives of seven companies regarding the Trump Administration's infrastructure plan released on February 12, 2018 (*Legislative Outline for Rebuilding Infrastructure in America*). You specified a time frame of January 20, 2017, to the date of the search and indicated you are seeking records to determine what the Trump Administration is doing to implement this legislative priority. On March 29, our FOIA team acknowledged receipt of your letter and forwarded it to this Office for reply.

Upon receipt of your FOIA request, we initiated a search within the Office of Infrastructure and forwarded the request to initiate additional searches for responsive records in the following offices:

Office of Planning, Environment, and Realty  
Office of Policy and Governmental Affairs  
Office of the Administrator  
Office of Chief Counsel  
Office of Research, Development, and Technology

We asked each Office to search for records reflecting meetings with the seven companies related to implementation of the Administration's infrastructure plan. The Office of the Administrator is the only office with records covered by your request. The records concern plans for Secretary of Transportation Elaine L. Chao to meet with representatives of Cintra/Ferrovial. I am enclosing all documents in our possession regarding this meeting. We are withholding one line from a memorandum arranging a meeting on November 30, 2017, under exemption 5 as predecisional (49 CFR 7.23(c)(5)). Under the exemption 6 protection against unwarranted invasion of personal privacy, we have redacted cellphone numbers contained in the documents (49 CFR 7.23(c)(6)).

You requested records describing the processing of your FOIA request, including records sufficient to identify search terms used and locations and custodians searched and tracking sheets used during the processing of this request. Under FOIA, subject to applicable exemptions and exclusions, agencies must provide existing records that were (1) created or obtained by an agency and (2) under agency control at the time of the FOIA request. Agencies are not required to (1) answer questions under FOIA or (2) create new records in response to a FOIA request.

Your request for a Vaughn index is moot. We have released all responsive documents to you and explained the basis for redactions in some of those documents. A Vaughn index is not required as part of a FOIA response; a court may require such an index when a FOIA request is in litigation and there are redactions or records withheld.

The cost of search was below our minimum charge for processing a FOIA request. As a result, we have not determined whether your request for a fee waiver is justified.

The undersigned is responsible for the determination to release the enclosed documents with redactions. Pursuant to U.S. Department of Transportation regulations (49 C.F.R. § 7.32), you have the right to appeal this decision in writing to Mr. Arlan Finfrock, Acting Associate Administrator for Administration, Federal Highway Administration. Your appeal may be mailed to 1200 New Jersey Avenue, S.E., E66-322, Washington, D.C. 20590-9898, or sent via e-mail at [FHWA.foia.appeals@dot.gov](mailto:FHWA.foia.appeals@dot.gov) or via fax at (202) 366-7499. Should you wish to exercise this right, the Agency decision on the appeal will be the final administrative action. Your appeal must be postmarked or, in the case of electronic or facsimile transmission, submitted within ninety (90) calendar days from the date the initial determination is signed. The appeal should include the FHWA file or reference number assigned to the request (FOIA 2018-0183) and all information and arguments relied upon in making the appeal.

You also have the right to seek dispute resolution services from the FHWA FOIA Public Liaison, Christopher Richardson, [FOIA.PublicLiaison@dot.gov](mailto:FOIA.PublicLiaison@dot.gov), via phone (202) 366-0740; or the Office of Government Information Services (<https://ogis.archives.gov>) via phone (202) 741-5470/toll free 1(877) 684-6448; fax (202) 741-5769; or e-mail [ogis@nara.gov](mailto:ogis@nara.gov).

Sincerely yours,



Peter J. Stephanos  
Acting Associate Administrator  
for Infrastructure

Enclosures

## Weingroff, Richard (FHWA)

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**From:** Morgan, Owen (OST)  
**Sent:** Tuesday, November 21, 2017 3:24 PM  
**To:** Burtney, Grover (OST)  
**Cc:** Ray, James (OST); Hendrickson, Brandye (FHWA); Burr, Geoff (OST)  
**Subject:** FW: Meeting with Secretary Chao  
**Attachments:** 2017 Cintra in US & Canada.pdf; 2017 Ferrovia Overview.pdf; 2017 TEXpress Lanes Overview.pdf; I-66 Express Mobility Partners Overview.pdf; Rafael del Pino Bio 2017.pdf; Enrique Díaz-Rato Bio 2017.pdf; Belen Marcos Bio 2017.pdf; Patrick Rhode Bio 2017.pdf; Nicolas Rubio Bio 2017.pdf

Hello Grover,

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Attendees:

Rafael del Pinto, Global Chairman, Ferrovia  
Belen Marcos – Cintra US President  
Rafael del Pino – Cintra Global Chairman  
Patrick Rhode – Cintra US VP of Corporate Affairs

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Owen

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**Sent:** Tuesday, November 21, 2017 10:59 AM  
**To:** Morgan, Owen (OST) <owen.morgan@dot.gov>  
**Subject:** FW: Meeting with Secretary Chao

Elle Basile  
Deputy Scheduler  
U.S. Secretary of Transportation  
O: 202.366.4304

(c)6



## Chairman, Ferrovial



Mr. Rafael del Pino is the Executive Chairman of Ferrovial. Prior to that he was the firm's CEO. He is also member of the Board of Zurich Insurance Group and the Blackstone International Advisory Board.

Mr. del Pino is actively involved with the academic world through membership of the MIT Corporation, IESE's International Advisory Board, the MIT Energy Initiative's External Advisory Board and the MIT Sloan European Advisory Board, and the Harvard Business School European Advisory Board. He is also a member of the Royal Academy of Engineering of Spain.

Mr. del Pino graduated in Civil Engineering from the Universidad Politécnica in Madrid (1981) and obtained an MBA from the MIT Sloan School of Management (1986).

[www.ferrovial.com](http://www.ferrovial.com)

## Chief Executive Officer, Cintra



Enrique Díaz-Rato is the Chief Executive Officer of Cintra, the leading private-sector transportation infrastructure company in the world, with experience spanning nearly 50 years of innovative highway development on four continents. Today, its portfolio includes more than 1,200 miles of managed highways globally, representing a total global investment in roadway improvements of over \$21.6 billion.

Mr. Díaz-Rato has more than 25 years of experience in the transportation industry. He began his career with the Ferrovial group in 2000 as the Managing Director of Cintra Chile. Mr. Díaz-Rato then went on to serve as the President and CEO of the 407 ETR Toll Road in Toronto, Canada until he was named CEO of Cintra in 2006.

Mr. Díaz-Rato holds a degree in Economic Science from UNED, a Masters of Business Administration from the Escuela de Organización Industrial (EOI), and a degree in Civil Engineering from the Universidad Politécnica de Madrid in Spain.

[www.cintra.us](http://www.cintra.us)

## United States Vice President of Corporate Affairs, Cintra



Patrick Rhode is the United States Vice President of Corporate Affairs for Cintra, a Ferrovial company and the world's leading transportation infrastructure firm. Working from the company's U.S. corporate headquarters in Austin, Texas, Mr. Rhode is responsible for Cintra's corporate affairs functions in support of U.S. operations and commercial endeavors. Mr. Rhode has served as a member of the U.S. Management Team since 2008.

Cintra, with managed assets in excess of \$21 billion, operates on four continents and is a subsidiary of Madrid-based Ferrovial, which owns, operates and manages major infrastructure assets including London Heathrow Airport and other projects in Canada, Spain, and the U.K. Cintra's U.S. assets include state-of-the-art managed lanes projects such as the LBJ Express, North Tarrant Express and North Tarrant Express 35W in North Texas, I-77 Express in North Carolina and I-66 Express in Northern Virginia.

Mr. Rhode's career spans two decades of executive management experience, including service for the White House, Fortune 500 companies, federal agencies, state agencies and a successful U.S. presidential campaign.

Mr. Rhode has served as Special Assistant to the President of the United States, NASA Senior Advisor, and Associate Administrator of the U.S. Small Business Administration. He also served as Chief of Staff for two FEMA management administrations representing more than 2,500 permanent and disaster assistance employees within the then-newly created U.S. Department of Homeland Security after 9/11, where he was awarded high-level national security clearances.

Mr. Rhode has previously been elected and served as President of the Board of Directors of the American Road and Transportation Builders Association's Public-Private Partnership Division. He also has served a three-year term on the Board of Directors of the Texas Association of Business, and currently serves as the Vice President of the Association for the Improvement of American Infrastructure (AIAI) Government Committee. He has previously served on transportation committees of the National Conference of State Legislators and the American Legislative Exchange Council.

Earlier in his career, Mr. Rhode served as Deputy Director of National Advance Operations for a successful U.S. presidential campaign, Director of Homeland Security and Intelligence for an international consulting firm, and as a national spokesperson for both the White House and Fortune 500 companies. Mr. Rhode once served as an Associated Press award-winning television reporter with CBS and ABC TV affiliates.

A native of Hot Springs, Arkansas, Mr. Rhode earned a bachelor's degree in Political Science from the University of Arkansas, a second bachelor's degree in Journalism from the University of Arkansas at Little Rock, and has also completed senior executive education coursework at Harvard Business School.

He and his family live in Dripping Springs, Texas.

[www.cintra.us](http://www.cintra.us)





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“Our team is committed to a long-term partnership with the Commonwealth of Virginia to enhance mobility, provide economic growth opportunities and better serve the current and future needs of the region.”



Founded in 2005, Meridiam is an independent investment firm specializing in the development, financing and management of long-term public infrastructure projects. With offices in Paris, New York, Toronto, Istanbul and Dakar, Meridiam is a leading investor in public infrastructure across Europe, North America and Africa. Currently managing \$5.5 billion of assets, the firm has to date invested in 49 projects. Designated Global Infrastructure Fund of the Year for the fourth time in 2015 by IJ Global, Meridiam is one of the first investors and asset managers to receive ISO 9001 certification for its responsible investment process and is a founding member of the Long Term Infrastructure Investors Association. [www.meridiam.com](http://www.meridiam.com)

“The Commonwealth’s vision for Transform 66 is something we share, and our commitment to provide an innovative mobility solution for this key region of the US is unwavering.”

– Jane Garvey, chairman, Meridiam North America



Ferrovial Agroman is a leader in the global construction market, having 80 years of construction experience in Design Bid Build, Design Build and Public-Private Partnerships (P3) projects in all types of infrastructure assets. Headquartered in Austin, Texas, Ferrovial Agroman US Corp. (FAUS) is the U.S. operating entity, having recently completed and currently constructing \$8.5 billion of infrastructure in California, Georgia, Texas and North Carolina. FAUS has been operating in the U.S. since 2005 and ranks as the #10 Transportation Contractor and #9 Heavy Civil Contractor in the country according to ENR 2016 rankings with \$1.1 billion in revenues. [www.fauscorp.com](http://www.fauscorp.com)



Since its founding in 1939, Allan Myers has been building the infrastructure that helps build the nation. Allan Myers provides a full-service solution for site development, transportation, design-build and water-related projects. With more than 2,000 skilled craftsmen, equipment operators and construction professionals covering six states, Allan Myers builds projects throughout the Mid-Atlantic for private developers, general contractors, DOTs and utilities, local and state governments and federal military customers. Allan Myers is committed to sending its teams home safe every night. The company’s “Home Safe Tonight” culture has won multiple awards. [www.allanmyers.com](http://www.allanmyers.com)



The \$3 billion I-66 Outside the Beltway Project, extending 22 miles along the Interstate 66 corridor outside of the Beltway between US Route 29 near Gainesville in Prince William County and Interstate 495 in Fairfax County, will add capacity, improve mobility and provide more predictable travel times for Northern Virginia and the Washington, D.C. metro region.

The project will be developed as a public-private partnership between the Commonwealth of Virginia and I-66 Express Mobility Partners, which includes equity members Cintra and Meridiam, and lead contractors Ferrovial Agroman US Corp. and Allan Myers VA, Inc.

Once completed, the project will provide significant upgrades to the highly congested corridor such as:

- Three regular lanes in each direction
- Two express lanes in each direction with a state of the art open-road electronic toll collection system
- Direct access between the express lanes and new or expanded commuter lots
- New and expanded transit service and park-and-ride lots
- Interchange improvements to enhance safety and reduce congestion, including auxiliary lanes between interchanges, where needed

OVER .....	RESULTS IN .....	INCLUDES .....	SCHEDULED COMPLETION .....
\$1.3 B	\$2.7 B	\$150 M	2020
INVESTMENT IN THE COMMONWEALTH OF VIRGINIA	NET SAVINGS FOR THE COMMONWEALTH OF VIRGINIA	UPFRONT PAYMENT TO THE COMMONWEALTH OF VIRGINIA	

## Project Partnering with Proven Successes

I-66 Express Mobility Partners is comprised of a team of industry leaders with the proven ability to deliver large scale, technologically advanced infrastructure projects in major urban congested corridors.

Cintra and Meridiam, the two equity partners, bring global experience creating innovative infrastructure like the highly-recognized LBJ Express and North Tarrant Express projects in the Dallas-Fort Worth Metroplex which combined have won **over 50 industry awards** and are yielding significant benefits to the region.

### Project Benefits

### LBJ Express & North Tarrant Express

DEVELOPED .....	OVER .....	OVER .....	TRAFFIC .....
<b>\$4.7 B</b>	<b>70%</b>	<b>15%</b>	<b>7%</b>
OF INFRASTRUCTURE BY LEVERAGING \$1 B OF PUBLIC FUNDS	AVERAGE REDUCTION IN CONGESTION IN GP LANES	INCREASE IN AVERAGE SPEEDS IN GP LANES	HIGHER IN GP LANES THAN PRE- CONSTRUCTION
OVER .....	OVER .....	ONLY .....	OVER .....
<b>4 M</b>	<b>35%</b>	<b>15%</b>	<b>80%</b>
DIFFERENT VEHICLES TO DATE	OF USERS ARE NEW EACH MONTH	OF CARS ARE LUXURY BRANDS	OF USERS VIEW THE TEXPRESS LANES FAVORABLY



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## Weingroff, Richard (FHWA)

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**Subject:** Meeting with Rafael del Pino, Global Chairman Ferrovial  
**Location:** Secretary's Conference Room  
**Start:** Thu 11/30/2017 11:30 AM  
**End:** Thu 11/30/2017 12:00 PM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
**Organizer:** SecretaryScheduler (OST)  
**Required Attendees:** Ray, James (OST); Burr, Geoff (OST); Hendrickson, Brandye (FHWA)

(c)(5)



Rafael del Pino  
Bio 2017.pdf



Enrique Díaz-Rato  
Bio 2017.pdf...



Belen Marcos Bio  
2017.pdf



Patrick Rhode Bio  
2017.pdf



Nicolas Rubio Bio  
2017.pdf

**Staff:** G Burr/J Ray/B Hendrickson

**Attendees:** Belen Marcos – Cintra US President

Rafael del Pino – Cintra Global Chairman

Patrick Rhode – Cintra US VP of Corporate Affairs

**Contact:** Patrick Rhode [prhode@cintra.us](mailto:prhode@cintra.us)

Afton Lane [alane@cintra.us](mailto:alane@cintra.us)

Molly Hall [mhall@cintra.us](mailto:mhall@cintra.us)

## Weingroff, Richard (FHWA)

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**From:** Morgan, Owen (OST)  
**Sent:** Monday, November 27, 2017 2:40 PM  
**To:** Burtney, Grover (OST)  
**Cc:** Ray, James (OST); Hendrickson, Brandye (FHWA); Burr, Geoff (OST)  
**Subject:** RE: Meeting with Secretary Chao  
**Attachments:** Íñigo Meirás Bio 2017.pdf

Inigo Meiras, CEO Ferrovial will also attend. Bio is attached.

Thanks,  
Owen

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Patrick Rhode – Cintra US VP of Corporate Affairs

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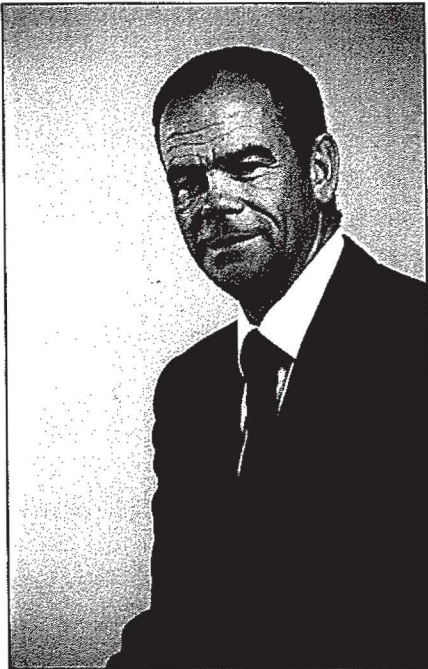
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**Subject:** FW: Meeting with Secretary Chao

Elle Basile  
Deputy Scheduler  
U.S. Secretary of Transportation  
O: 202.366.4304



(c)(4)

## Chief Executive Officer, Ferrovial



Iñigo Meirás is the Chief Executive Officer of Ferrovial, one of the world's leading infrastructure operators and municipal services companies, committed to developing sustainable solutions.

Mr. Meirás began his career with Ferrovial in 1992 and has held several leadership positions such as Managing Director of Autopista del Sol, Toll Roads Director of Cintra, CEO of Ferrovial Services, CEO of Ferrovial Airports and Managing Director of Ferrovial.

He holds a MBA from the Instituto de Empresa and a Law Degree from the Universidad Complutense de Madrid.

[www.ferrovial.com](http://www.ferrovial.com)

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Elle Basile  
Deputy Scheduler  
U.S. Secretary of Transportation  
O: 202.366.4304



(c) 6

# Trump critics seize on developer ties to infrastructure plan

A council that helped craft his transportation proposal included private-sector allies of the former real estate mogul.

By ELANA SCHOR

01/30/2018 05:01 AM EST

Updated 02/03/2018 11:47 AM EST

POLITICO

President Donald Trump's critics are already lining up to undercut his infrastructure proposal — the purported bipartisan centerpiece of Tuesday's State of the Union speech — as a giveaway to his well-connected friends and a rollback of popular environmental protections.

Even before the president formally calls for a deal to help rebuild the nation's aging infrastructure, a watchdog nonprofit stocked with former Democratic aides is ramping up a campaign to discredit his plan as "a blueprint for cronyism."

The group Democracy Forward will release a report Tuesday that alleges potential conflicts of interest on Trump's infrastructure advisory council, which was disbanded last summer. The board was led by two of Trump's longtime New York developer allies, Richard LeFrak and Steven Roth, who were tapped to help shape his plan to shore up roads and bridges by leveraging public money with private investors' involvement.

Among the potential minefields the group singles out are lobbying by LeFrak's company against flood risk regulations that the Trump administration axed last year and the prospect that Roth's company would benefit from a public-private partnership in the works to build a new Penn Station in New York City.

A spokesman for Roth said he "has not been commenting on all matters related to the administration." After the report's release, LeFrak's company sent a letter to the liberal group stating that its work "baselessly conflates" lobbying on flood maps with the flood risk rules at issue, as well as unspecified "other inaccuracies."

The report highlights the key role the Trump administration gave to the private sector figures in shaping its infrastructure plan — in addition to showing how bitterly partisan the infrastructure debate has become. The conflicts, it alleges, are political as well as financial.

One email chain, obtained by the group through a Freedom of Information Act request and shared with POLITICO, features an exchange between Transportation Secretary Elaine Chao and LeFrak and Roth. Chao begins by forwarding a story about how the Trump administration was not "showing much love" for a massive New York development project backed by Senate Minority Leader Chuck Schumer (D-N.Y.).

The story, by The Weekly Standard, also noted that Schumer had voted against Chao's confirmation, even though she is the wife of Senate Majority Leader Mitch McConnell (R-Ky.).

The vote set tongues wagging in the Capitol, and prompted McConnell to ask Schumer on the Senate floor afterward whether he had "any transportation projects up in New York?" (GOP aides later said the remark was more lighthearted than a direct jab.)

"Thank you for sharing. You are doing great ... stick to your guns," Roth replied to Chao, an apparent reference to the Trump administration's resistance to the Schumer-backed project, a \$13 billion bridge and tunnel rebuild known as Gateway.

The Transportation Department declined to comment directly on the email chain. It noted that members of the infrastructure council were never officially announced.

"We look forward to discussing the administration's infrastructure initiative with Congress and the American people in the coming weeks," a department spokesperson said by email.

Democracy Forward's report goes on to raise other potential conflicts of interest involving members of the now-disbanded infrastructure council, which it contends exerted critical influence by shaping the administration's policy early. The group's policy director, Corey Ciorciari, a former adviser to Hillary Clinton's 2016 presidential campaign, vowed that Trump's infrastructure pitch would prove politically toxic in the end.

"What the American people will see is an infrastructure plan designed in secret by a council endowed with more power than Dick Cheney's infamous and self-enriching Energy Task Force," Ciorciari said.

The group's efforts, conducted with the environmental group Food & Water Watch, are set to include legal actions aimed at the involvement of foreign entities as well as presidential adviser and son-in-law Jared Kushner in the crafting of the administration's infrastructure policy. It's not the only pre-emptive strike against Trump's infrastructure plan. Another came on Sunday from Center for American Progress, long considered a Democratic executive-branch-in-waiting during times of GOP control. While White House legislative director Marc Short told Fox News on Sunday that the infrastructure plan would not "gut" the Clean Air Act or Clean Water Act, the administration is likely to propose permitting changes that would affect existing environmental rules.

The administration is signaling that it's "not going to put in any real money here, so the only thing [it] can do is go after the environmental deregulation side," said Christy Goldfuss, vice president of energy and environmental policy at CAP.

Despite the already sharp discord over the infrastructure plan, some Democrats facing reelection this fall in states that Trump carried are still eyeing the issue as an opportunity for the bipartisan dealmaking that has so far eluded the president.

Sen. Joe Manchin (D-W.Va.) said in an interview that he brought up infrastructure during a visit to the White House last week with Sen. Doug Jones (D-Ala.), adding that "hopefully, it'll be something that we're going to come together on."

Sen. Jon Tester (D-Mont.) warned "that a lot of the public-private" partnerships the administration had initially proposed are unlikely to make sense for rural areas like in his own state.



"But, that aside," Tester said, "we certainly need an investment in infrastructure in this country. And I'm hoping we can get together and get something done."